

## § 145.2

## 9 CFR Ch. I (1–1–04 Edition)

which are bred for the primary purpose of producing eggs or meat.

*Primary breeding flock.* A flock composed of one or more generations that is maintained for the purpose of establishing, continuing, or improving parent lines.

*Products.* Poultry breeding stock and hatching eggs, baby poultry, and started poultry.

*Program.* Management, sanitation, testing, and monitoring procedures which, if complied with, will qualify, and maintain qualification for, designation of a flock, products produced from the flock, or a state by an official Plan classification and illustrative design, as described in §145.10 of this part.

*Public exhibition.* A public show of poultry.

*Pullorum disease or pullorum.* A disease of poultry caused by *Salmonella pullorum*.

*Reactor.* A bird that has a positive reaction to a test, required or recommended in parts 145 or 147 of this chapter, for any poultry disease for which a program has been established under the Plan.

*Salmonella.* Any bacteria belonging to the genus *Salmonella*, including the *arizona* group.

*Sanitize.* To treat with a product which is registered by the Environmental Protection Agency as germicidal, fungicidal, pseudomonocidal, or tuberculocidal, in accordance with the specifications for use as shown on the label of each product. The Official State Agency, with the concurrence of the Service, shall approve each product or procedure according to its specified usage.

*Service.* The Animal and Plant Health Inspection Service, Veterinary Services, of the Department.

*Serial.* The total quantity of completed product which has been thoroughly mixed in a single container and identified by a serial number.

*Sexual Maturity.* The average age at which a species of poultry is biologically capable of reproduction.

*Started poultry.* Young poultry (chicks, pullets, cockerels, capons, poults, ducklings, goslings, keets, etc.) that have been fed and watered and are less than 6 months of age.

*State.* Any State, the District of Columbia, or Puerto Rico.

*State Inspector.* Any person employed or authorized under §145.11(b) to perform functions under this part.

*Stock.* A term used to identify the progeny of a specific breeding combination within a species of poultry. These breeding combinations may include pure strains, strain crosses, breed crosses, or combinations thereof.

*Strain.* Poultry breeding stock bearing a given name produced by a breeder through at least five generations of closed flock breeding.

*Succeeding flock.* A flock brought onto a premises during the 12 months following removal of an infected flock.

*Suspect flock.* A flock shall be considered, for the purposes of the Plan, to be a suspect flock if any evidence exists that it has been exposed to a communicable poultry disease.

*Trade name or number.* A name or number compatible with State and Federal laws and regulations applied to a specified stock or product thereof.

[36 FR 23112, Dec. 3, 1971, as amended at 38 FR 13706, May 24, 1973; 41 FR 14256, Apr. 2, 1976; 41 FR 48723, Nov. 5, 1976. Redesignated at 44 FR 61586, Oct. 26, 1979, and amended at 47 FR 21991, May 20, 1982; 49 FR 19802, May 10, 1984; 50 FR 19898, May 13, 1985; 54 FR 23954, June 5, 1989; 57 FR 57340, Dec. 4, 1992; 59 FR 12798, Mar. 18, 1994; 63 FR 40009, July 27, 1998; 65 FR 8016, Feb. 17, 2000; 67 FR 8468, Feb. 25, 2002]

### § 145.2 Administration.

(a) The Department cooperates through a Memorandum of Understanding with Official State Agencies in the administration of the Plan.

(b) The administrative procedures and decisions of the Official State Agency are subject to review by the Service. The Official State Agency shall carry out the administration of the Plan within the State according to the applicable provisions of the Plan and the Memorandum of Understanding.

(c) An Official State Agency may accept for participation an affiliated flock located in another State under a mutual understanding and agreement, in writing, between the two Official State Agencies regarding conditions of participation and supervision.

(d) The Official State Agency of any State may, except as limited by § 145.3(d), adopt regulations applicable to the administration of the Plan in such State further defining the provisions of the Plan or establishing higher standards compatible with the Plan.

(e) An authorized laboratory of the National Poultry Improvement Plan will follow the laboratory protocols outlined in part 147 of this chapter when determining the status of a participating flock with respect to an official Plan classification.

(Approved by the Office of Management and Budget under control number 0579-0007)

[36 FR 23112, Dec. 3, 1971. Redesignated at 44 FR 61586, Oct. 26, 1979, and amended at 48 FR 57473, Dec. 30, 1983; 67 FR 8468, Feb. 25, 2002]

#### § 145.3 Participation.

(a) Any person producing or dealing in products may participate in the Plan when he has demonstrated, to the satisfaction of the Official State Agency, that his facilities, personnel, and practices are adequate for carrying out the applicable provisions of the Plan, and has signed an agreement with the Official State Agency to comply with the general and the applicable specific provisions of the Plan and any regulations of the Official State Agency under § 145.2. Affiliated flockowners may participate without signing an agreement with the Official State Agency.

(b) Each participant shall comply with the Plan throughout the operating year of the Official State Agency, or until released by such Agency.

(c) A participant in any State shall participate with all of his poultry hatching egg supply flocks and hatchery operations within such State. He shall report to the Official State Agency on VS Form 9-2 (formerly NPIP Form 3B) or through other appropriate means each breeding flock before the birds reach 24 weeks of age or, in the case of ostriches, emus, rheas, cassowaries, before the birds reach 20 months of age. This report will include:

- (1) Name and address of flockowner;
- (2) Flock location and designation;
- (3) Type: Primary or Multiplier;
- (4) Breed, variety, strain, or trade name of stock;
- (5) Source of males;

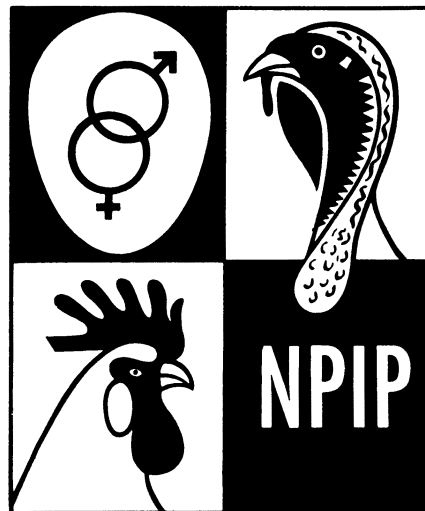
(6) Source of females;

(7) Number of birds in the flock; and

(8) Intended classification of flock.

(d) No person shall be compelled by the Official State Agency to qualify products for any of the other classifications described in § 145.10 as a condition of qualification for the U.S. Pullorum-Typhoid Clean classification.

(e) Participation in the Plan shall entitle the participant to use the Plan emblem reproduced below:



NATIONAL POULTRY IMPROVEMENT PLAN

FIGURE 1.

(Approved by the Office of Management and Budget under control number 0579-0007)

[36 FR 23112, Dec. 3, 1971, as amended at 40 FR 1500, Jan. 8, 1975. Redesignated at 44 FR 61586, Oct. 26, 1979 and amended at 48 FR 57473, Dec. 30, 1983; 57 FR 57341, Dec. 4, 1992; 63 FR 40010, July 27, 1998; 65 FR 8016, Feb. 17, 2000]

#### § 145.4 General provisions for all participants.

(a) Records of purchases and sales and the identity of products handled shall be maintained in a manner satisfactory to the Official State Agency.

(b) Products, records of sales and purchase of products, and material used to advertise products shall be subject to inspection by the Official State Agency at any time.

(c) Advertising must be in accordance with the Plan, and applicable rules and